

Contemporary Communications

December 16, 1996

DOCKET FILE COPY ORIGINAL

FCC MAIL ROOM

Mr. William F. Caton, Acting Secretary
FEDERAL COMMUNICATIONS COMMISSION
Room 222
1919 M Street, NW
Washington, DC 20554

DEC 26 1996

RECEIVED

Re: Petition for Rule Making
New FM - Channel 277A
Orofino, Idaho

Dear Mr. Caton:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of TOPAZ ENTERPRISES, INC., requesting the allotment of FM Channel 277A to Orofino, Idaho, as that community's second local FM service.

If this proposal is ultimately adopted, TOPAZ ENTERPRISES, INC., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS


Larry G. Fuss
Consultant to Topaz Enterprises, Inc.

enclosures (as above)

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Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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DEC 23 1977

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Orofino, Idaho)

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MM Docket

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To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now TOPAZ ENTERPRISES, INC. (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 277A to Orofino, Idaho, as that community's second local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Orofino, Idaho	237C3	237C3, 277A

In support of this proposal, the following information is herewith submitted for consideration:

Orofino is an incorporated community located in Clearwater County in north central Idaho, approximately 320 kilometers north of Boise, Idaho. The city population is 2,868 and the county population is 8,505 1/. Adoption of this proposal will provide Orofino with its second local broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Orofino, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Orofino, Idaho. If a permit is granted, Petitioner will promptly construct and operate the proposed station.

1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

TOPAZ ENTERPRISES, INC.

Dale A. Ganske
Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

By:

CONTEMPORARY COMMUNICATIONS

Larry G. Fuss
Larry G. Fuss, Consultant
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787

December 10, 1996



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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 277A
OROFINO, IDAHO

TOPAZ ENTERPRISES, INC.**

Prepared December 4, 1996

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 277A
OROFINO, IDAHO**

TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 277A to Orofino, Idaho, as that community's second local FM channel.

ALLOCATION

A study was performed using the computerized *SEARCHFM* frequency search program and the current FCC/NTIS database to determine if Channel 277A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 277A may be allocated to Orofino in full compliance with Section

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73.207(b), without the imposition of a site-restriction.

The "useable area" for Channel 277A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Orofino in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the useable area would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

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CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 277A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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AFFIDAVIT

State of Mississippi

County of Bolivar

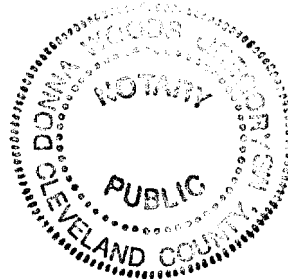
} ss.

Larry G. Fuss, being first duly sworn, deposes and states as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Topaz Enterprises, Inc., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

12/4/96
Date

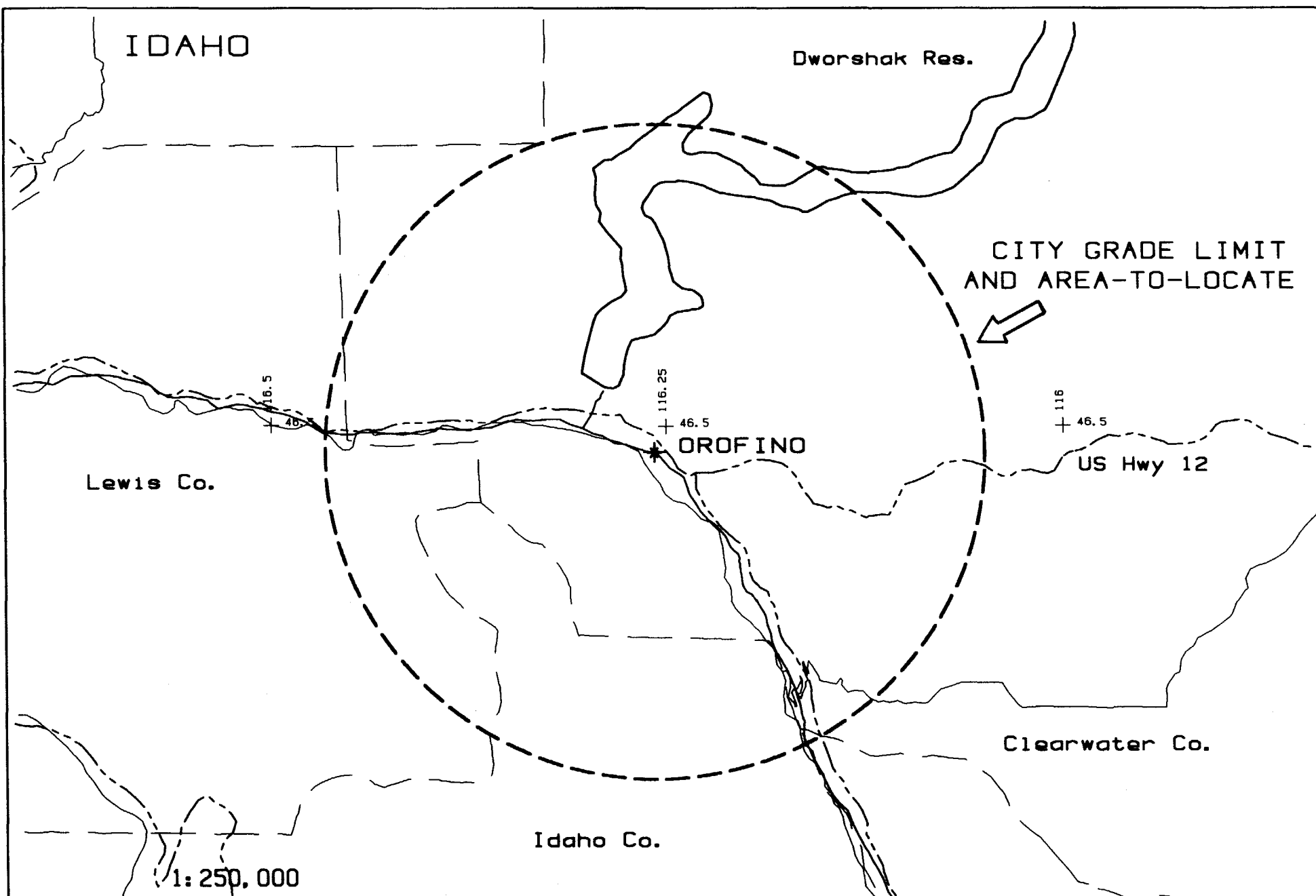


Subscribed and sworn to before me this 4th day of DECEMBER, 1996.

Donna W. Jezewski
Notary Public

My commission expires:

Notary Public State of Mississippi At Large
My Commission Expires: October 9, 2000
BONDED THRU HEIDEN-MARONETTI, INC.



<p>Scale in km</p> <p>0 10 20</p>	<p>OROFINO, ID - AREA TO LOCATE</p> <p>N. Lat. 46 29 19 W. Lng. 116 15 28</p>	<p>EXHIBIT A</p> <p>LGF - 12/96</p>
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**CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS**

***** EXHIBIT B ***
OROFINO IDAHO**

REFERENCE
46 29 19 N
116 15 28 W

**CLASS = A
Current Spacings**

DISPLAY DATES
DATA 11-29-96
SEARCH 12-04-96

----- Channel 277 - 103.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KVAB.C CP	275A	Clarkston	WA	64.84	267.2	31.0
46 27 27	117 06 03	C CN	0.440 kW	357 M		33.84
		Helen S. Warkentin DBA BI-Sta	BPH931223MC	961113		
Class B1 accepted by Canada 960712						
KCDA LI	276C2	Coeur d'Alene	ID	140.50	338.2	106.0
47 39 35	116 57 12	C CN	2.350 kW	575 M		34.50
		Rook Broadcasting of Idaho, I	BLH891213KA	960820		
KWHT LI	278C1	Pendleton	OR	180.48	245.5	133.0
45 47 51	118 22 17	CN	100.000 kW	219 M		47.48
		Agpal Broadcasting, Inc.	BLH840530BY	961112		
*To Channel 279C1 per D95-163						
KORTFM LI	224C3	Grangeville	ID	70.27	171.5	12.0
45 51 48	116 07 24	CN	0.360 kW	717 M		58.27
		4-K Radio, Inc.	BLH901009KB	960321		